W.M. of New York, Inc. d/b/a Waste Management of New York, and Local 116, Production & Maintenance Employees Union, Petitioner. Case 29-RC-8792

September 25, 1998

ORDER DENYING REVIEW

BY MEMBERS FOX, LIEBMAN, AND HURTGEN

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel, which has considered Local 813, League of International Federated Employees' [hereinafter "LIFE"] request for review of the Regional Director's Supplemental Decision on Objections and Certification of Representative. The request for review is denied as it raises no substantial issues warranting review.

On January 15, 1998, the Petitioner, Intervenor, and Employer stipulated, on the basis of the Employer's and

Intervenor's objections, that the original October 16, 1997 election was a nullity. Thereafter, on January 23, 1998, the Regional Director directed that a rerun election be conducted on February 12, 1998. LIFE did not seek to intervene in this proceeding until January 8, 1998, and did not perfect its requisite showing of interest until January 26, 1998.

In these circumstances, we agree with the Regional Director that LIFE's motion to intervene and appear on the ballot in this *rerun* election was properly denied, and, therefore, that its objections were properly overruled. The rerun election is not a "new" election, but is a "subsequent phase of the first election." *Jeld-Wen of Everett, Inc.*, 285 NLRB 118, 121 (1987). In an analogous situation, the Board has held that a labor organization which did not seek a place on the ballot in the original election may not thereafter be placed on the ballot in the runoff election "which is merely a continuation of the original proceeding." *General Motors Corp.*, 17 NLRB 466, 467 (1939).

¹ Local Union No. 445, affiliated with Laborer's International Union of North America, AFL-CIO.